

REMARKS

Claims 28-58 are pending in the present application. Claims 1-27 have been cancelled and claims 28-58 have been added as a result of this response. Claims 28 and 43 are independent claims.

In the Restriction dated December 8, 2003, the Examiner has required restrictions to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-7 and 14-23, drawn to the structures/structural elements of a magnetic circuit for a speaker, classified in class 381, subclass 412.
- II. Claims 1, 9-12, drawn to the structures/structural elements of a voice coil for a speaker, classified in class 381, subclass 400.
- III. Claims 1, 8 and 25-27, drawn to the structures/structural elements of a diaphragm for a speaker, classified in class 381, subclass 423.
- IV. Claims 1 and 24, drawn to the structures/structural elements of a casing for a speaker, classified in class 381, subclass 345.
- V. Claim 13, drawn to the manufacturing of a voice coil of a speaker, classified in class 29, subclass 594.

Initially, Applicants note that there are currently no method claims pending. As a result, there is no current issue regarding inventions related as processes making and products made. With respect to inventions related as combination and sub-combination, with respect to previous

claims 1-27, the Examiner asserted that various dependent claims directed to a magnetic circuit, a voice coil, a diaphragm, or a casing of an electroacoustic transducer were related as sub-combination and sub-combination to the electroacoustic transducer claims. However, independent claim 1 of the present application recited an electronic electroacoustic transducer including the magnetic circuit, diaphragm, or coil. Presently pending independent claims 28 and 43 and their associated dependent claims are arranged similarly to that of previous independent claim 1 and dependent claims 2-27. In accordance with M.P.E.P. § 806.05(c) "in order to establish that combination and sub-combination inventions are distinct, two-way distinctness must be demonstrated."

The inventions are distinct if it can be shown that a combination as claimed:

(A) does not require the particulars of the sub-combination as claimed for patentability (to show novelty and non-obviousness), and

(B) the sub-combination can be shown to have utility either by itself or in other and different relations.

When these factors cannot be shown, such inventions are not distinct.

Applicants respectfully assert that the combination recited by independent claims 28 and 43 may be identified as AB_{BR}, whereas the sub-combinations may be identified as AB_{SP}. This is not a combination/sub-combination relationship identified in the M.P.E.P. as being restrictable.

Applicants believe the Examiner may be misconstruing the claim arrangement of the present invention with the arrangement AB_{BR}/B_{SP}, where restriction is proper. However, the clear difference between this restrictable situation and the situation in the present application is

the presence of A in the alleged sub-combination. As a result, Applicants respectfully submit that the presence of A renders AB_{SP} not a sub-combination, but rather a refinement of the combination AB_{BR}. Accordingly, Applicants respectfully request reconsideration and withdrawal of the restriction on this basis.

In view of the above amendments and remarks, reconsideration of the restriction and allowance of claims 28-58 is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number listed below.

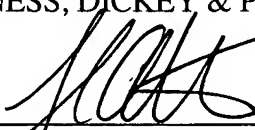
Pursuant to 37 C.F.R. 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application, and the required fee of \$110.00 is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By


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